IX 4

...ious References

1942-43
Municipal

File No 66-42
Serial Nos 3, 5, 17

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for August 1943

SUBJECT

Resignation of certain members of the Bangalore city Municipal council

(1) To the Municipal commissioner
& ex officio Municipality —
No L 6199 § / 9 12. 42

States that a municipal councillor of a city Municipality may resign his membership by giving intimation to that effect to the President & that it is not necessary that the resignation letter should be actually read by the President or accepted

1092 V 1155

General and Revenue Secretariat — File No 56 of 1942-43 — [App F III—2

Serial No	
	From Mr. Mil Comr., Bcf
	No. C 287/42 dt 15-8-42
	States that B. Narasimhaiah & Dr. Mrs. Kamala Ramachendriah, ML Council of the cff have tendered their seats in the Council and requ instructions as to their acceptance or otherwise as they have addressed to him in the absence of the Odt who is now has been arrested.
	A note suggesting the appt of the ML Commy or one of the experienced Councillors as the Odt has been submitted to the Minister, & if & P.H orders on that file will be awaited
	3 Another Dis letter received from the Odt is also forwarded
	4 According to the wording of Section 73 of the Impvt act 1935 — it is only the President who is competent to receive & accept the resignation It would not therefore be legally correct for the Mil Comr either to grant the leave or accept the resignation or later on further action to be taken upon the vacancies they caused & the Mil Comr will therefore be asked to

NOTE—Contn Sheet

WD 04155—GPB—55 000— 3 10 41

2)

Resignation of Mr B Narasimhaiya
+ appointment Kumari A Rajamma [illegible]
to the Cash and Current Deposit Branch

File No 66 1153 of 194 2 — General and Revenue Secretariat

Serial No

Wait till orders of Govt are received in the post of the Pre-treasurer are issued

Law Secy for 27/8/42

SECY LAW DEPT 27 AUG 42 GOVT OF MYSORE

6) Re-arrangement of duties

Accountant No 2 is also

Accountant No 1 is also

for 27-8-42

OFFICE OF THE MINISTER FOR L S G & P H Date 28 8 42 No 1802

7) Submitted

31 8 42

Acc 31-8-42

for

Jons B 6/9

~~Orders~~ of the Post of the Pot has since been filled up Submitted for orders

KVS 7/10

Inattention of the Accountant in accordance with the Emergency Act

Secretariat with the powers of a President for taking necessary action in this case

for 7/10/42

10) Submitted with a draft letter for approval

KVS 8/10 GS

Law Secy 11) for 9+10/42

12) May be approved

Accountant is paid

Acc 8-10-42

for

13 10 42

SECY LAW DEPT 4 OCT 42 GOVT OF MYSORE

OFFICE OF THE MINISTER FOR L S G & P H Dt 8-10-42 No 2262

13) Issued Acc 15-10-42 for 15/10

Note—Contd. See

1158 ✓ 2534/2. 2740/42 (3

General and Revenue Secretariat — File No 66 of 1942-43 — [App F III—2

Serial No	
5	To the Mil Comm, Brief, thro the Pol No L 4187 dy 20.6.42. Requests him to take action under Section 1 acc with the notfn No L 3523/Mil 165.42-1 dy 29-9-42 from the Mil Comm, Brief, thro Pol No Cl C 287/42. dy 21-10-42. Requests to be intimated whether the notfn dy 29-9-42 investing the Vice Pat with the powers of the Pdt could have retrospective effect etc,
	14) noted. The Law Member may perhaps be consulted from the point of view raised by the Hon'ble Minister who has been asked to attend to the duties of the President (Asst Secy) Law Secy) 7/10
	15) For favour of advice (Asst Secy Law) and for Secy
	16) Cs Gr Sec 13 of G. Act letters in courtesy of addressed to President, can be included in Gr Act-Indep

SECY LAW DEPT (54) 22 1950

NOTE—Contn Sheet

WD 04155—GPB—55 000—23 10-41

In (File No [illegible] of 1942-43)

General and Revenue Secretariat

Serial No

[illegible]

SECY LAW DEPT 4855 GOVT OF MYSORE

6/11/42

(17) [illegible]

(18) [illegible]

(19) No acceptance is necessary in the case of a councillor resigning.

6-11-42

Asst Secy Law

7/11/42

20) [illegible]

7/11/42

21) [illegible] a draft letter for appt

10/11

Law Secy

10/11/42

Re-nomination of certain Members of Council of Bangalore City -

2532

5

General and Revenue Secretariat — File No 66 of 1942-42832 [App F III-2

Serial No

OFFICE OF THE MINISTER FOR L S G & P H
Date 12 11 42
No 3723

22) May be approved

Mr Rel L S G

Ans 16/11/42

23 was there a precedent on the date when they seem in their nomination.

24) What is the date of their resignation

Ans 12/11/42

OFFICE OF THE MINISTER FOR L S G & P H
Date 13 11 42
No 3886

25) The President was in doubt whether he could not Accept the resignation Legally unless was the President as Patron

Dates of resignation of 10 councillors mentioned in 14 & 19 ur

by Dr Mrs Kamala Ramachandra 15-8 19ur

for 13/14 ur

Mr Rel L S G

Ans 13/11/42

for 14/11/42

26) The question whether it is a proper representation of resignation under the above circumstances may be examined

Ans 14/11/42

16) Reminder two other letters addressed to the President for Ministers

27) The file with the sent to the Addl Secy Law Secretary for necessary action

Ans 16/11/42

S N They are of Named that the letters of resignation are addressed to the President of the Municipality

Law Secy for 14/11/42

Addl Secy for 16/11/42

Ans 16/11/42

NOTE—Cont Sheet

WD 041 5—GPB—55 000—25 10 41

Regd at
File No

of 194

General and Revenue
Secretariat

Serial No

Law No 103/42
dt 17 11 1942

OFFICE OF THE MINISTER
FOR L S G & P H
Dat 26 11 42
No Lo 1059

Fol 59

Generation of certain chemicals
vitro Fund

17

General and Revenue Secretariat | File No | of 191 | [App F III—2

Serial No

35) The [illegible] Secy could please bring up [illegible] dtd 27/11/42

34) The working of S13 in A Connection [illegible] has Membership by giving notice in writing & their effect & the President

33) & addressing the Notice & the President, Suppose which has received in the Municipal Office and by him directly & he had no Knowledge & for as he was in detention

32) The Act Sec may also be considered [illegible] 27-11-42

No. XO-47 dtd 30-11-1942

31) The Pte & Secretary Exchange [illegible] 1000 each from & C to form & agree on power not above

7 No 493/42-43 dtd 30/11/42

[illegible]
Asst Secy (Legl)
28/11/42

NOTE—Contn Sheet

WD 04155—GPB—55 000— 3 10-41

3224

Cancellation of certain Memorandum Commissioners
of the Bangalore Municipality

File No 3 L - 1 / 9 of 194

General and Revenue Secretariat

Serial No

Rec No. 40
4253
D 7 4 42-42

35) I submit that the addressing of the Respondent at his place of business and actual receipt by him is not necessary. My reasons are - (1) The words used are by giving notice and not to by serving (or ~~notice~~ serving) a notice - (11) The taking of appeal of the notice to suspend a [illegible] is similar to suspension of Respondent - and it depends on acceptance thereof - Ref Chabbra Emde Vs Ad - S. 3 12/42

SECY LAW DEPT - 5 DEC 1942 - GOVT OF MYSORE

35) Secretary (Law)

3 5714

Secy 5/12/42

SECY LAW DEPT 6 DEC 1942 GOVT OF MYSORE

Notice Rec'd 5-12-42

OFFICE OF THE MINISTER FOR L S G & P H
Dt 5 12 42
No 4607

40 Secy 16-12-42

Secy 17-12-42

3 17/12/42

(37) Asst Secy Law Secy

P To

Letter D/16
R S Rajan
Councellor & a
Consul regar
may be pass
to the resigna
B Nanjundiah
Rathnakshandnah
of the Boys
Sentd

1) The file was put up to the Law Secy and in his absence to the Addl Secy (Law) for receipt of the declaration forms, the Stamp duty & Notarial charges.

2) Submitted for orders.

Addl Secy (Law)
14/12/62

GOVT OF MYSORE
LAW DEPT

OFFICE OF THE MINISTER
FOR L S G & P H E
15 DEC 1962
4708

Addl Secy (Law)
14/12/62

15/12/62

3) Make entry & return the file.

15/12/62

4) A draft copy of the Notification is put up for approval.

Law Secy (Law)
18/12/62

47) For perusal of Ps 19 12 42

4710

Secret 18 12 42

Minister of Defence

48) Hy 18.12.42

OFFICE OF THE MINISTER FOR L S & P H
Dat 18 12 42
No 4872

Secretary

49) Secretary

50) Secretary Defence & Secretary Lon 19 12 42

Municipal Court Almeria

No L6199 19 12 42

That, for reasons mentioned, the two persons ceased to be councillors from the date of the notice previously sent to the President

51) In view of the wishes of the writers of the letter, the latter was returned today sent to the Minister's personal address for perusal

19 12 42

52) Cus 21-12-42

WD 1140—GPB—50 000—5-11-42

BANGALORE CITY MUNICIPALITY

No C.C.187/42

Encl

MUNICIPAL OFFICES

Bangalore 15th August 1942

From

ABDUL AZIZ KHAN ESQ BA
MUNICIPAL COMMISSIONER
BANGALORE CITY

OFFICE OF THE RESIDENT FOR LSG & P I
Dt 17 8 42
1583

To C. NARAYANASWAMI NAIDU, ESQ , B A ,B L ,
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE
LAW DEPARTMENT BANGALORE

I have the honor to inform that Mr B Narasimhiah, one of the Councillors from the IV Division, and Dr Miss Kamala Ramachandriah from the VIII Division, tendered their resignations to the Municipal Council, the former on the 14th instant and the latter to-day Both these letters, which were addressed to me, were placed before the Council meeting held at 2 P M to-day, but the meeting was adjourned without transacting any business, as a mark of protest against the arrest of Mahatma Gandhi and other National Leaders including the Honorary President and two other members of this Council Section 13 of the Municipal Act contemplates that the resignations of members should be handed over to the President and will take effect from the date of such notice, but in the present instance, the two resignations have been addressed to me, perhaps because there is no President to receive them In these circumstances, I seek instructions of the Government in the matter of treating the resignations as accepted and for taking further action to fill those two vacancies

I have the honor to be,
Sir,
Your most obedient servant,

msn

Municipal Commissioner

C.C 287/42

MR ABDUL AZIZ KHAN

1155/L

CITY MUNICIPAL OFFICES
BANGALORE

Dated 17th August 1942

Dear Sir,

In continuation of my letter No C1 C 287/42 of the 15th instant, re the resignations of Mr B Narsimhiah and Dr Miss Kamala Ramachandriah to the City Municipal Council, Bangalore, I write to state that two letters from the above named Councillors, addressed to the Honorary President, resigning their seats, were received in my offoce to-day and in the absence of the Honorary President, have been opened by me Early orders in the matter may be kindly obtained and communicated, as already intimated in my letter of the 15th instant

Yours sincerely,

A A Khan

C Narayanaswami Naidu, Esq , B A ,B L ,
Secretary to Government,
Law Department
Bangalore

Appendix F G—1]

SUBJECT

13

Section inl
File No 66-42
Serial No 5

Diary No of letter replied to

No L 4187

General and Revenue Secretariat

( )

the *19*

To The ml Commr, BCag thro the DOS

Date of issue 20 10 42

Sir,

Signed by Mr YR Rao.

With reference to your letter No Cl C 287/42 Dy/5-8 42 reporting about the resignations tendered by Mr B Narasimhah and Dr Mrs Kamala Ramachandrah for their seats in the cag mlc, I am directed to request you to be so good as to take necessary action in accordance with Notification No L 3523/ml 165-42-1 Dy 29-9-42 issued in pursuance of the

List of enclosures

Copied by

Examined by

Emergency Act No XXXIII of 1942,
investing the Vice Pdt of the
Cof Mel with the Powers of the P&C

I have etc
for
Hon Secy to Govt
WB Law Deptt
9/10

BANGALORE CITY MUNICIPALITY

No C1 C 287/42 — MUNICIPAL OFFICES — 2534

Encl — Bangalore, 21st October 1942

From

ABDUL AZIZ KHAN Esq B A.
MUNICIPAL COMMISSIONER
BANGALORE CITY

SECY LAW DEPT 21 OCT 1942 GOVT OF MYSORE

To

C NARAYANASWAMI NAIDU, ESQ , B A ,B L ,
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE
LAW DEPARTMENT BANGALORE

SIR

With reference to your letter No L 4187/M1, 66-42-5 of the 20th instant, asking me to take further action re the resignations of Mr B Narasimhiah and Dr Miss Kamala Ramachandriah, in accordance with the Notification of 29-9-42, I have the honor to state that the resignations were received on the 14th and 15th August 1942, when the Emergency Act and the Notification thereunder had not yet been issued As such, the Vice President had not the powers, then, to function as President Since the Notification was issued only subsequently, it is a point for consideration whether the Vice President could exercise the powers vested in him by such a subsequent notification, retrospectively - I therefore request that definite instructions of the Government may be kindly obtained and intimated as to what further action has to be taken in the matter

I have the honor to be,
S i r,
Your most obedient servant,

MUNICIPAL COMMISSIONER

Forwarded with compliments

Honorary President

Since on the date of the letters written by Mr B Narasmaiya and Dr Kamala Ramachandriah I was not empowered to act as president, I Consider them still to be members unless they send fresh letters of resignation C Venkatasubbaiya Chetty 21 10 42

BANGALORE CITY MUNICIPALITY

No C1-C 287/42 MUNICIPAL OFFICES

Encl Bangalore 4th November 1942

From

ABDUL AZIZ KHAN ESQ B A
MUNICIPAL COMMISSIONER
BANGALORE CITY

SECY LAW DEPT GOVT MYSORE

To

C Narayanaswamy Naidu, Esq , B A , B L ,
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE
LAW DEPARTMENT BANGALORE

SIR

In continuation of my letter No C1-C 287/42 dated 21-10-1942 seeking definite instructions of Government regarding the - further action to be pursued by me in connection with the resignations of Mr B Narasimhiah and Dr Miss Kamala Ramachandriah, I have the honour to state that when the orders of Government are still awaited, the Honorary Vice President has arranged for the issue of notices of Council Meetings, etc , to them considering them still as Municipal Councillors unless they send fresh letters of resignations to him I have brought this to the notice of Government

I have the honour to be,
Sir,
Your most obedient servant,

MUNICIPAL COMMISSIONER

D O C1-C 287/42
Encl Four Letters

Office of the Municipal Commissioner, 117

Dated Bangalore 14th November 42

A MARIAPPA, B A ,
Personal Assistant to the
Municipal Commissioner

Dear Sir,

As per your phone message of even date, I have herewith sent the letters of resignations from Mr B Narasimhiah and Dr Miss Kamala Ramachandraiah, addressed to the Municipal Commissioner and the Honorary President of the City Municipal Council, Bangalore Kindly return the same after their necessity is over

Yours sincerely,

Personal Assistant to the
Municipal Commissioner

G Ramachandra Rao, Esq , B A ,
Assistant Secretary to Government,
L S G Department,
Bangalore

L S Raju MA (Hons) BL MLC, BC
ADVOCATE and
Municipal Councillor
Rdn SITA VILAS
BASAVANGUDI PO
(BANGALORE)

SECY LAW DEPT 1 GOVT OF MYSORE

LAKSHMI STHANAM
Off: Kas V v wa T mpl Lane
CHICKPET BANGALORE CITY

Dated 14th December 1942

No Legis 16

To

The Secretary to Government,
Law Department, BANGALORE

Sir,

Two Members of the Bangalore City Municipal Council, viz, Mr B Narasimhiah and Miss Kamala Ramachandria, Municipal Councillors of the IV and VIII Divisions, respectively, tendered their resignations some months ago, and under the law they cannot act as Councillors thereafter

(2) I am given to understand that the Government have obtained legal opinion with regard to their status and right to act after their resignation, but the same has not been communicated to the Municipal Council so far It is also stated in some quarters - I am not prepared to give credence to it - that the communication may not reach the Office of the Bangalore City Municipal Council before the 22nd instant, the date fixed for the presidential election

(3) I desire to state that the matter is very urgent, and the said Councillors cannot take part in the voting if they are disqualified on account of their resignation (in law, they are disqualified and that is, I think, the opinion of the Government also)

(4) In their own interests and in the interests of the other Members of the Council, it is absolutely necessary to be informed immediately

immediately by your Office in this matter May I request you to do the needful at once ?

Yours faithfully,

Municipal Councillor and
Member, Legislative Council

Rev dated 24/11/42 11.12
mc 66-42-17

(20)

To

The Municipal Commissioner, B City
thro' the President

Sir,

With refe ence to the correspondence ending with your letter No Cl C 287/42 dated 4-11-42 in the matter of the resignations given for their membership by Mr B Narasimhiah and Dr Miss Kamala Ramachendriah, Members of the City Municipal Council, I am directed to state that, according to the provisions of section 13 of the Mysore City Municipalities Act 1933, a councillor may resign his membership by giving notice in writing to that effect to the President It is not necessary that, a letter of resignation should be actually received by the President or accepted, as the resignation in the case of a councillor takes effect from the date of notice and is not, as in the case of a President, dependant on the acceptance thereof Accordingly, these two persons ceased to be councillors from the dates of the notice given by them to the President

The four resignation letters received in this office with letter No C 1 C 287/42 dated 14-11-42 are herewith returned

I have etc,

Secretary to Government,
Law Deptt

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L 6199/Encl 4 *Bangalore dated* 16 December 1942

FROM

The Secretary to the Government of His Highness
the Maharaja of Mysore
Law Department

To

The Municipal Commissioner,
Bangalore City,
THROUGH
The President,
Bangalore City Municipality, Bangalore

Sir,

With reference to the correspondence ending with your letter No CL C 287/42 dated 4-11-42 in the matter of the resignation given of their membership by Mr D Narasimhiah and Dr Miss Kamala Ramachendraiah, Members of the City Municipal Council, I am directed to state that, according the provisions of section 10 of the Mysore City Municipalities Act 1933, a Councillor may resign his membership by giving notice in writing to that effect to the President It is not necessary that a letter of resignation should be actually received by the President or accepted, as the resignation in the case of a Councillor takes effect from the date of notice and is not, as in the case of a President, dependent on the acceptance thereof Accordingly, these two persons ceased to be Councillors from the dates of the notice given by them to the President

The four resignation letters received in this office with

P T O

with letter No. C. 1. C. 287/42 dated the 14th November 1942
are herewith returned.

I have the honour to be,

Sir,

Your most obedient servant,

For Secretary to Government,
Law Department